

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO.: 2:10-CR-334 (8)
JUDGE SMITH
MAGISTRATE JUDGE KING**

LUIS ALBERTO GUTIERREZ,

Defendant.

ORDER

On October 6, 2011, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept Defendant Luis Alberto Gutierrez's guilty plea to Count One of the Indictment charging him with conspiracy to distribute and possession with the intent to distribute more than 1000 kilograms of marijuana, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A)(vii) and 21 U.S.C. § 846 (Doc. 257). Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11 of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 14 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did not file any objections.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty to Count One of the Indictment. Defendant is hereby adjudged guilty of conspiracy to distribute and possession with the intent to distribute more than 1000 kilograms of marijuana.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT